

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

NORMA ROGERS, et al. )  
Plaintiffs, )  
v. ) Case No. 6:19-cv-03346-RK  
DOUGLAS GASTON, et al. )  
Defendants. )

**AMENDED SCHEDULING AND JURY TRIAL ORDER**

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, and upon consideration of the parties' views in the matter, the following schedule is hereby established:

**I. DISCOVERY PLAN AND SCHEDULING DEADLINES**

<b>Discovery Plan and Scheduling</b>	<b>Guidelines</b>	<b>Deadlines</b>
Plaintiff Expert Designation	30 days before discovery deadline	10/11/2021
Defendant Expert Designation	30 days before discovery deadline	10/11/2021
Rebuttal Expert Designation	14 days before discovery deadline	10/25/2021
Discovery Dispute Motions	At least 14 days before discovery deadline	10/25/2021
Completion of Discovery (both fact and expert discovery)	120 days from this proposed order	11/8/2021
Dispositive Motions	30 days after discovery deadline	12/8/2021

**II. COURT CONFERENCES AND TRIAL DATE**

<b>Court Setting</b>	<b>Guidelines</b>	<b>Date</b>	<b>Time</b>
Court Status Conference Date (via teleconference)	30 days before discovery deadline	10/13/2021	1:00 p.m.
Initial Pretrial Conference Date (via teleconference)	30 days before trial	4/15/2022	2:30 p.m.

Final Pretrial Conference Date (via teleconference)	Thursday or Friday before trial	5/13/2022	2:30 p.m.
Trial Date	120 days from dispositive motion deadline	5/16/2022	8:30 a.m.

### III. PRETRIAL AND TRIAL FILING DEADLINES

Pretrial and Trial Documents	Deadlines
Motions in Limine	14 days prior to initial pretrial conference
Responses to Motions in Limine	7 days prior to initial pretrial conference
Deposition Designations	14 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))
Objections to Deposition Designations	10 days prior to initial pretrial conference
Cross-Exam Deposition Designations	10 days prior to initial pretrial conference
Objections to Cross-Exam Deposition Designations	7 days prior to initial pretrial conference
Stipulation to Uncontested Facts	3 days prior to initial pretrial conference (Local Rule 40.1)
Stipulation of Admissibility of Evidence	3 days prior to initial pretrial conference
Witness List	3 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))
Exhibit List	3 days prior to initial pretrial conference (Fed. R. Civ. P. 26(a)(3))
Jury Instructions (if jury trial)	14 days prior to trial (Local Rule 40.1 and 51.1)
Trial Briefs	5 days prior to trial (Fed. R. Civ. P. 26(a)(3))
Voir Dire (if jury trial)	5 days prior to trial (Fed. R. Civ. P. 26(a)(3))

### IV. CHAMBERS' PROTOCOL

#### 1. COURT CONFERENCES. (See Section II above). Generally, conferences in

Western and St. Joseph Division cases are held at the U.S. District Courthouse in Kansas City,

Missouri. Conferences in cases pending in all other divisions (Central, Southern, and Southwestern) are generally held via telephone.

**2. DISCOVERY DISPUTES.** Any discovery motion filed without complying with Local Rule 37.1 will be denied. In the event that a teleconference is needed, contact the Court at (816) 512-5110. Parties are to utilize the discovery dispute protocol on the Court's web page at [www.mow.uscourts.gov/judges/ketchmark](http://www.mow.uscourts.gov/judges/ketchmark). The parties stipulate that a deposition of any person or entity previously deposed in this case is permitted; however, any such deposition shall be limited to three hours absent leave of the Court.

**3. EXPERT WITNESSES.** Expert witnesses include retained experts as well as fact witnesses from whom expert opinions will be elicited at trial.

For expert witnesses identified in Fed. R. Civ. P. 26(a)(2)(B), the designation shall include an affidavit, containing the disclosures required Fed. R. Civ. P. 26(a)(2)(B)(i)-(vi). Expert witnesses may testify only as to matters contained in the affidavit described above unless leave of Court is granted upon good cause shown. If a treating physician will testify beyond the treatment they provided, they shall also provide an affidavit containing the disclosures required in Fed. R. Civ. P. 26(a)(2)(B)(i)-(vi).

However, if a treating physician will testify only as to the treatment provided, the requirements of this section may be satisfied by providing a copy of all the treating physician's files, records and notes relating to the treating physician's patient to all opposing parties. For the purpose of this paragraph, a "treating physician" is a doctor (including psychiatrist, dentist, or other practitioner of the healing arts) retained by a party prior to retaining counsel in this matter.

**4. COMPLETION OF DISCOVERY.** All discovery requests and depositions shall be submitted and/or scheduled prior to the deadline for completion of discovery, and shall allow

sufficient time for completion within the time specified by the Federal Rules of Civil Procedure, the Local Rules, and/or orders of this Court.

**5. SUMMARY JUDGMENT MOTIONS.** All motions for summary judgment shall comply with Local Rules 7.0 and 56.1. The response and reply shall set forth (restate) each statement of fact, and additional statement of fact, utilizing the original paragraph number immediately before admitting or denying factual statements.

**IT IS SO ORDERED.**

s/ Roseann A. Ketchmark

ROSEANN A. KETCHMARK, JUDGE  
UNITED STATES DISTRICT COURT

DATED: July 16, 2021